

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT
for September 17, 2003 PLANNING COMMISSION MEETING

P.A.S.: Change of Zone #3418

PROPOSAL: From R-4, Residential to H-2, Highway Business District.

LOCATION: Generally located east of N. 48th Street on Orchard.

LAND AREA: 6,864 square feet, more or less.

CONCLUSION: Not in conformance with the Comprehensive Plan.

<u>RECOMMENDATION:</u>	Denial
-------------------------------	---------------

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 3, Block 3, Cones Addition.

EXISTING ZONING: R-4, Residential.

EXISTING LAND USE: Vacant, paved area.

SURROUNDING LAND USE AND ZONING:

North:	Multifamily	R-5, Residential
South:	Mobile home court, single family	R-2, Residential
East:	Single family	R-2, Residential
West:	Commercial	H-2, Highway Commercial

COMPREHENSIVE PLAN SPECIFICATIONS:

The Comprehensive Plan indicates this area as Urban Residential. (Page F-23)

Guiding Principles for Community Form quality of life assets indicates:

“Neighborhoods remain one of Lincoln’s great strengths and their conservation is fundamental to this plan. The health of Lincoln’s varied neighborhoods and districts depends on implementing appropriate and individualized policies. The Comprehensive Plan is the basis for zoning and land development decisions. It guides decisions that will maintain the quality and character of the community’s established neighborhoods.” (Page F-15)

Guiding Principles for the Urban Environment indicates:

“Construction and renovation within the existing urban area should be compatible with the character of the surrounding neighborhood. Encourage mixed-use redevelopment, adaptive reuse, and in-fill development including residential, commercial and retail uses. These uses may develop along transit routes and provide

residential opportunities for persons who do not want to or cannot drive an automobile. Promote residential development, economic development and employment opportunities throughout the City.” (Page F-18)

“Mixed-use centers, with higher residential and commercial densities, should provide for transit stops — permitting public transit to become a viable alternative to the automobile.” (Page F-19)

Guiding Principles of existing neighborhoods indicates:

“Encourage a mix of compatible land uses in neighborhoods, but similar uses on the same block face. Similar housing types face each other: single family faces single family, change to different use at rear of lot. Commercial parking lots should not intrude into residential areas where residential uses predominate a block face. More intense commercial uses (gas stations, big box stores, car wash, fast food, etc.) may not be compatible due to impact on nearby housing. Expansion in existing centers should not encroach, or expand to encroach, on existing neighborhoods, and commercial areas must be screened from residential areas.

Encourage pedestrian orientation with parking at rear of residential and neighborhood commercial uses.

Require new development to be compatible with character of neighborhood and adjacent uses(i.e., parking at rear, similar setback, height and land use).

Encourage a mix of housing types, including single family, duplex, attached single family units, apartments, and elderly housing all within one area. Encourage multi-family near commercial areas.

Encourage retention of single family uses in order to maintain mix of housing.

Encourage historic preservation and the rehabilitation and maintenance of buildings.” (Page F-67)

Strategies for existing neighborhoods indicates:

“For existing neighborhoods, the diversity is often already in place, but efforts must focus on maintaining this balance and variety. The diversity of architecture, housing types and sizes are central to what makes older neighborhoods great places to live. New construction should continue the architectural variety, but in a manner that is sympathetic with the existing neighborhoods. Infill development also needs to respect the street pattern, block sizes and development standards of the area, such as having parking at the rear and front porches, windows and doors on the front street side. The diversity of land uses, including commercial and congregate living facilities are important to the diversity of any area, provided they fit within the character of the block and neighborhood. Single family homes, in particular, add opportunities for owner-occupants in older neighborhoods and should be preserved. The rich stock of existing, smaller homes found throughout established areas, provide an essential opportunity for many first-time home buyers.” (Page F-71)

HISTORY: This area was updated to R-2, Residential during the 1979 Zoning update.

In 1986 the multifamily to the north was changed to R-5, Residential from O-2, Office and H-2 Highway Commercial to provide multifamily as a transitional use from the commercial to the single family residential.

TRAFFIC ANALYSIS: Orchard and Dudley Streets are classified as local streets in the Comprehensive Plan.

AESTHETIC CONSIDERATIONS: Allowing commercial zoning to further encroach into the existing residential neighborhood deteriorates the existing neighborhood.

ALTERNATIVE USES: Develop as a residential use or request a special permit for a parking lot.

ANALYSIS:

1. This is an application to change the zone on one lot from R-2, Residential to H-2, Highway Commercial.
2. Highway Commercial zoning is reserved “for a redeveloping area intended to provide business and services oriented to major arterial streets. It provides for those uses usually found in neighborhood business areas, plus a limited number of additional uses, such as auto repair garages, mini-warehouses, and auto sales” (Title 27.41, Zoning Ordinance).
3. This lot is not oriented to a major arterial street, it is oriented toward either Orchard or Dudley Streets. The existing H-2 zoning has already encroached into the existing neighborhood in a limited manner. This encroachment must be further limited by leaving this property zoning as residential.
4. The existing use of the lot is partially paved, but generally undeveloped. Rather than allow the existing commercial areas to encroach into the existing residential neighborhood. A higher density residential district adjacent to the commercial district as a transition of uses would be in conformance with the recommendation of the Comprehensive Plan.
5. The types of uses allowed in H-2 are not compatible with the existing uses directly across the street to the north and south. The Comprehensive Plan calls for similar uses to front upon each other. To the north there is an existing multifamily use, and to the south there is an existing residential and a mobile home court. A residential use is more appropriate on this lot than a commercial use. A commercial use is not in conformance with the Comprehensive Plan.
6. If the intended use is for a parking lot, a special permit may be requested for a parking lot in a residential district. It is more appropriate to request a special permit than to change the zoning of the lot. The special permit process for a parking lot allows greater screening and light control. Given the limited setback to the existing residences to the east this is preferred.

7. Presently the ownership pattern does not mirror the lot lines. A map showing existing ownership is included in this report.

Prepared by:

Becky Horner
Planner

DATE: September 3, 2003

APPLICANT: Gary Butts
NDS, Inc.
PO Box 80112
Lincoln, NE 68501

OWNER: FRANKS, KENNETH L & ROSEMARY
6730 REXFORD DR
LINCOLN NE 68506-1532
(402)488-7314

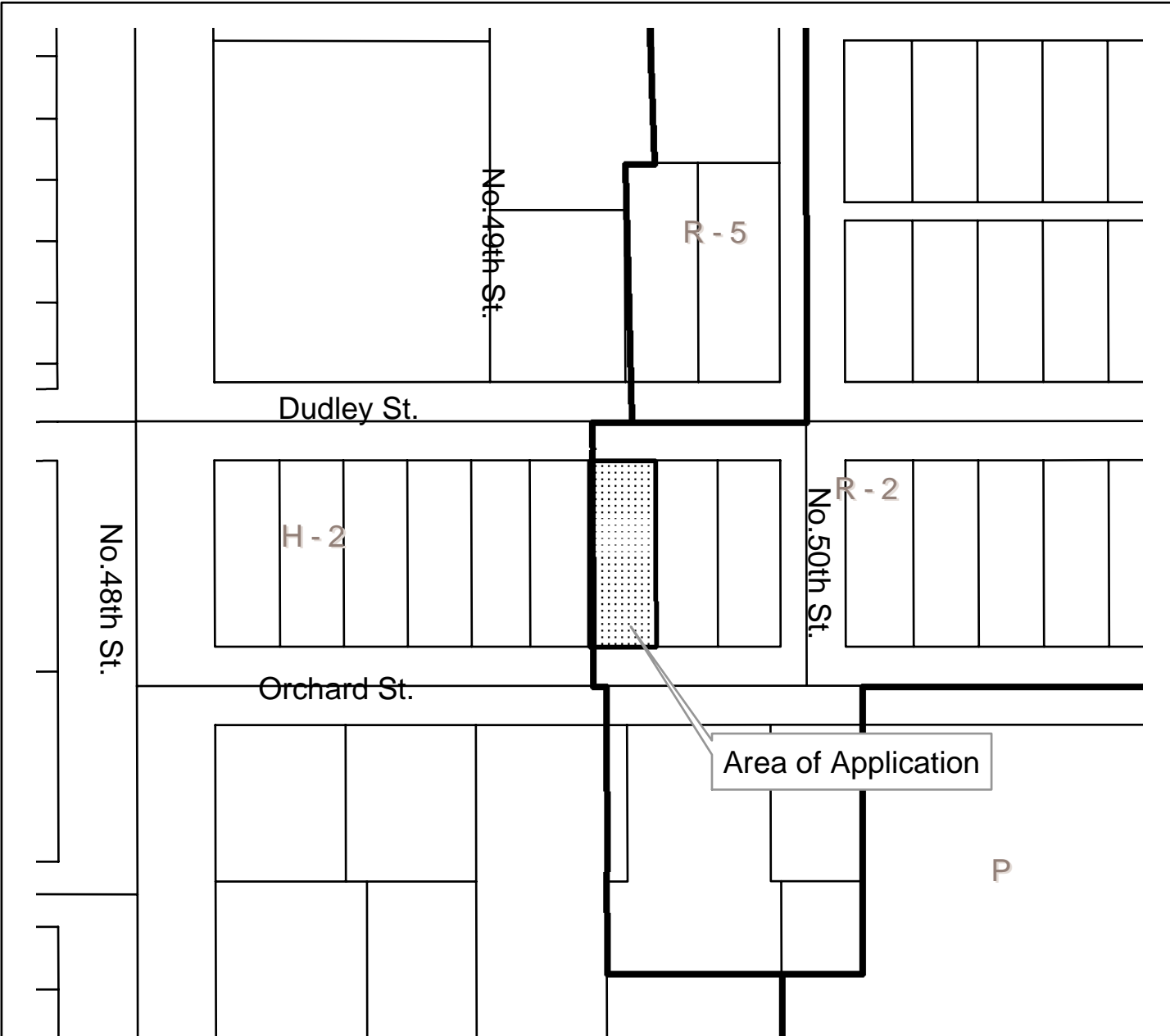
GD INVESTMENTS
6500 REXFORD DR
LINCOLN NE 68506

CONTACT: Gary Butts
(402)430-1157



Change of Zone #3418 N. 48th, Orchard to Dudley



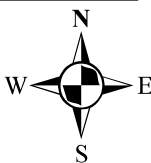
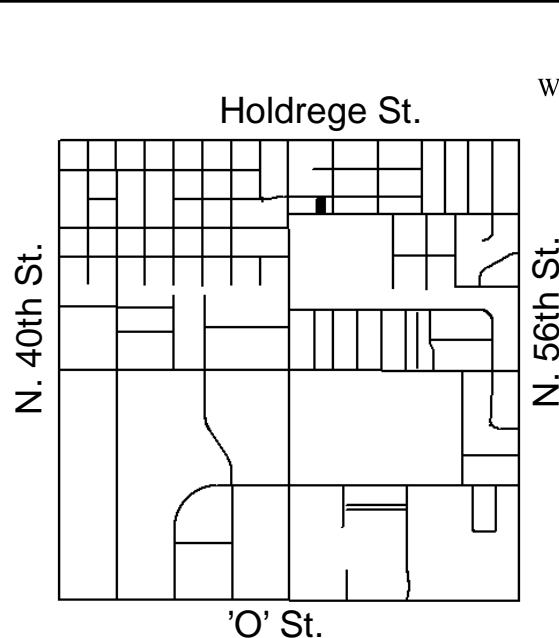
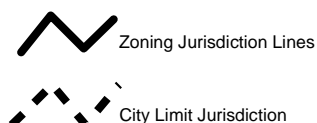


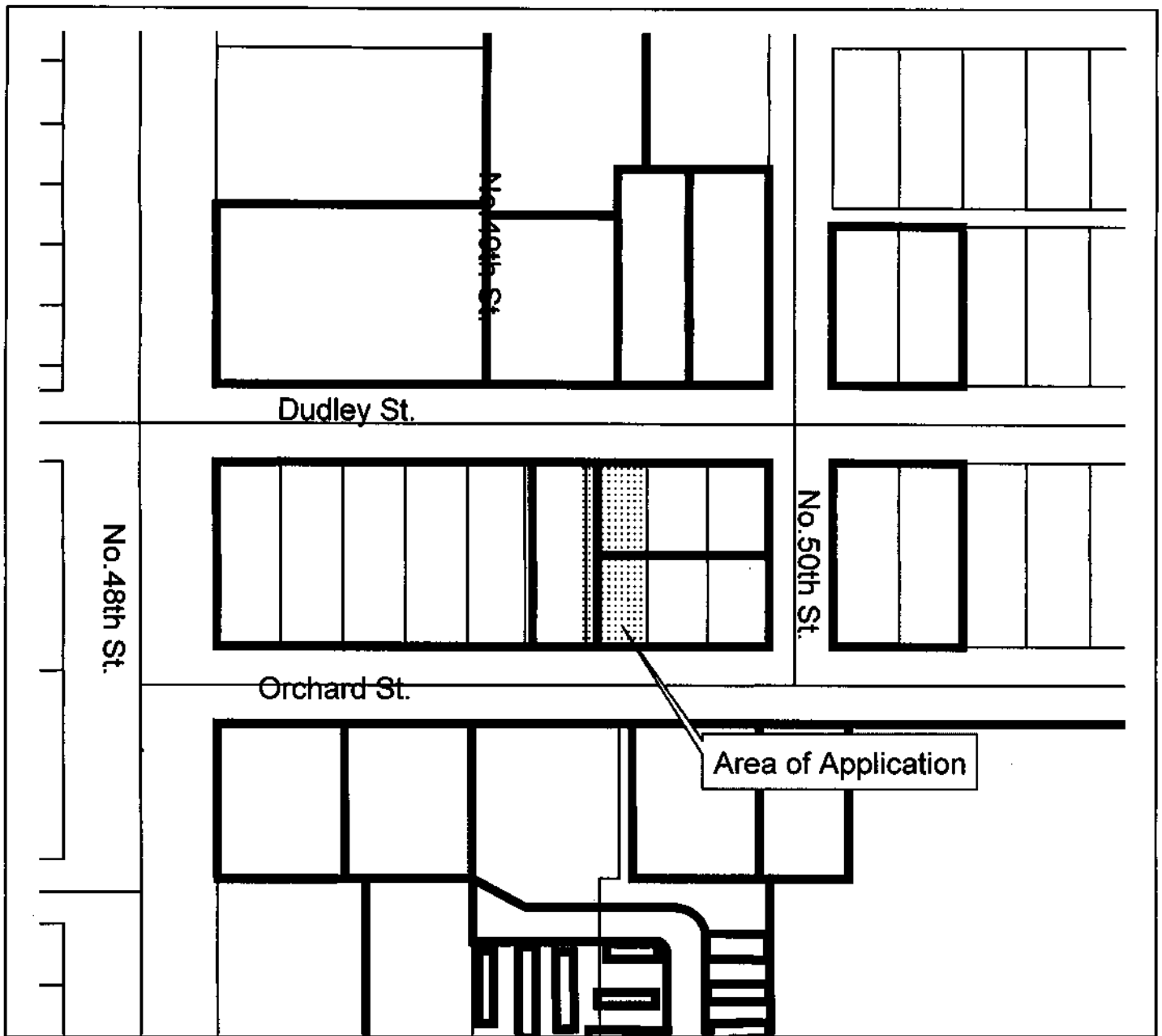
Change of Zone #3418 N. 48th, Orchard to Dudley

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 20 T10N R7E



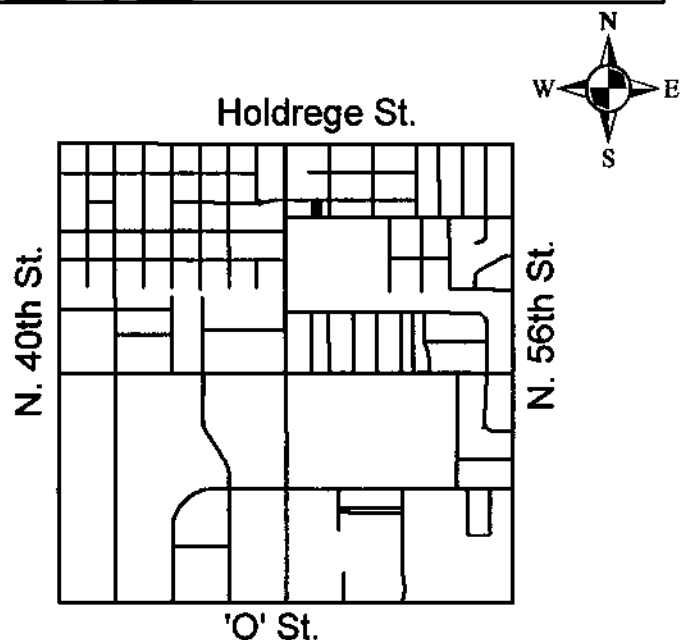


Change of Zone #3418 N. 48th, Orchard to Dudley Ownerships

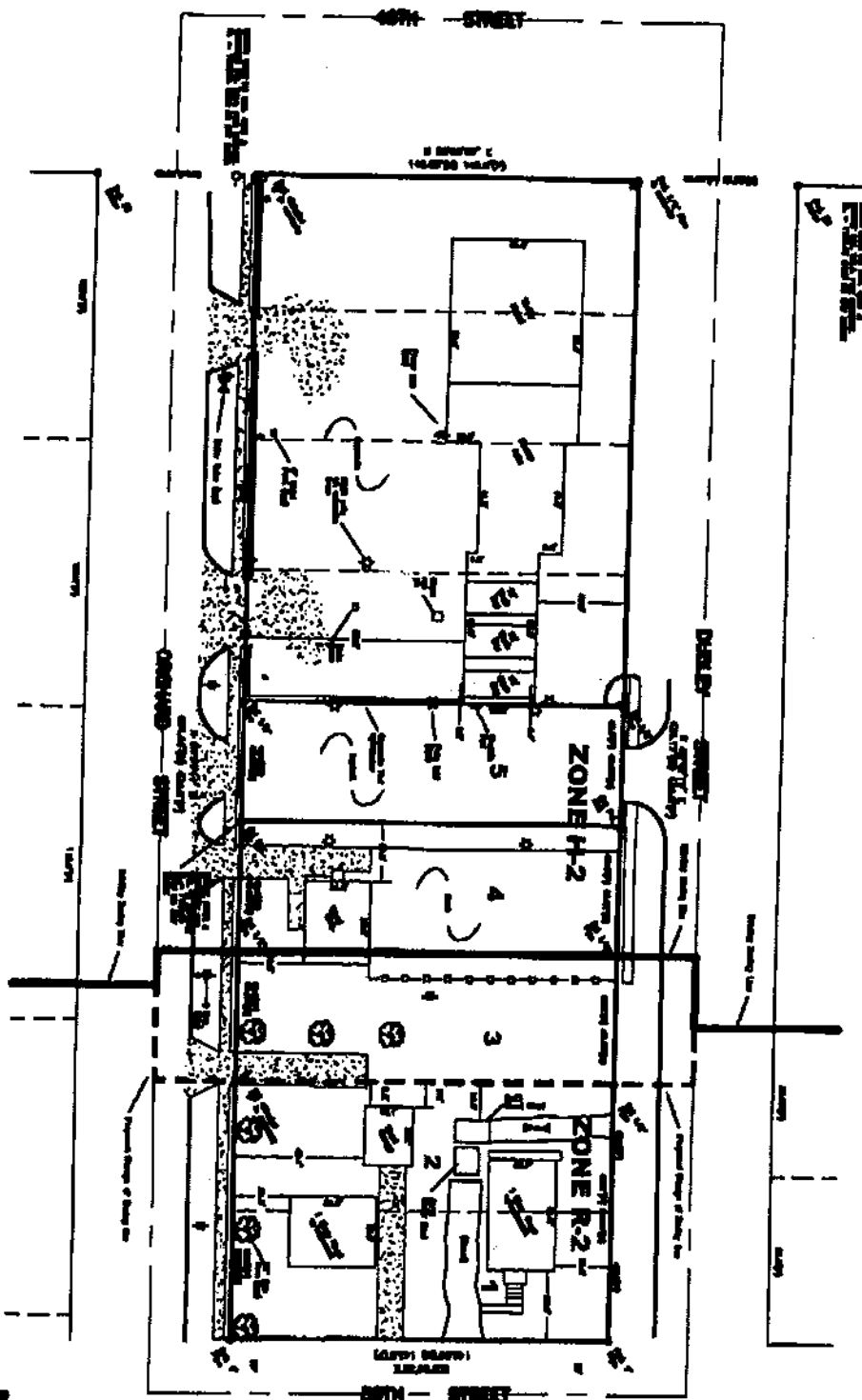
Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-6 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
Sec. 20 T10N R7E



7777 77
1277 77
1277 77
1277 77



KUSKER SURVEYING

1101 Arapahoe St.
Suite 3
Lincoln, NE 68502
Ph: (402) 433-8302

CHANGE IN ZONING BETWEEN LOTS 2 AND 3, BLOCK 3,
CONES SUBDIVISION TO THE CITY OF LINCOLN,
LANCASTER COUNTY, NE

PROJECT MANAGER NDS INC.

P.O. Box 90112
Lincoln, NE 68501
Phone (402) 438-4187
Fax (402) 499-8888
Web Site: www.ndsinc.com

NDS, INC.

P. O. BOX 80112
LINCOLN, NE 68501
SINCE 1971

PROJECT MANAGERS
DESIGN-BUILD
PRE-ENGINEERED STRUCTURES

FAX (402)489-8065
PHONE (402)430-1157
PHONE (402)429-5210
VOICE (402)441-0338

Email info@ndsgroup.com
Web Site <http://www.ndsgroup.com>

DATE: August 18, 2003

TO: Honorable City Council
C/O Ray Hill, Lincoln-Lancaster County Planning Department
555 S. 10th St. Suite 213
Lincoln, Nebraska 68508

FROM: Gary Butts – Project Manager
For Kennety L. & Rosemary Franks

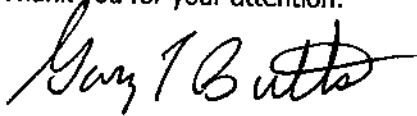
SUBJECT: Change of Zone Request for Lot 3, Block 3, Cones Subdivision
6730 Rexford Drive, Lincoln, Ne

Attached please find the Change of Zone Application, Site Plan and Fee Check in the amount of \$290.00 to initiate the above mentioned Change of Zone Request. Please process this application at your earliest convenience.

Please contact me if you need any further information regarding this request. My contact information is as follows:

Gary Butts – Project Manager
Phone (402)430-1157
Facsimile (402)489-8065
Email Address: gary@ndsgroup.com
Mailing Address: P. O. Box 80112, Lincoln, Ne 68502

Thank you for your attention.



Gary Butts
Project Manager

Attached: Application Form, Site Plan & Payment Check